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Attorneys for Plaintiff
24 Hour Fitness USA, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
OAKLAND DIVISION

24 HOUR FITNESS USA, INC.,

Plaintiff,

vs.

APEX STORES, LLC; APEX, LLC;
APEX AT HOME, LLC,

Defendants.

No. CV 08-01681 SBA

**DECLARATION OF KIMBERLY
GRIFFIN**

1 I, Kimberly Griffin, declare as follows:

2 1. I am Vice President and Corporate Counsel for 24 Hour Fitness USA, Inc (“24
3 Hour Fitness”). I have personal knowledge of the facts set forth in this declaration, except those
4 stated on information and belief, through my responsibilities as counsel at the company. If called
5 and sworn as a witness, I could and would competently testify thereto.

6 2. 24 Hour Fitness’ principal place of business is located at 12647 Alcosta
7 Boulevard, Suite 500, San Ramon, California 94583.

8 3. 24 Hour Fitness’ executive officers are located at the San Ramon location.

9 4. Senior management and other personnel involved in the registration of 24 Hour
10 Fitness’ trademarks are located at the San Ramon location and at other 24 Hour Fitness offices in
11 California.

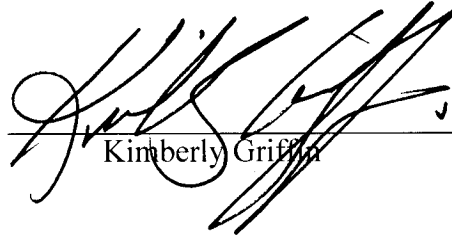
12 5. Records and documents establishing 24 Hour Fitness’s registration and use of its
13 APEX trademarks are stored at 24 Hour Fitness’ San Ramon location and other 24 Hour Fitness
14 offices in California.

15 6. 24 Hour Fitness has approximately 10,000 employees in California.

16 7. 24 Hour Fitness’ Apex Fitness Group division has provided its goods and services
17 at the internet domain address <apexfitness.com> since approximately October 2000.

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1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct and that this Declaration was executed on August 21, 2008 at San
3 Ramon, California.

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5 
6 Kimberly Griffin